

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 529

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PARTIES TO ACTIONS; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 5-345, IDAHO CODE, TO PROVIDE CIVIL IM-
3 MUNITY FOR ARCHITECTS, ENGINEERS, AND CONTRACTORS IN CERTAIN INSTANCES
4 AND TO PROVIDE APPLICABILITY.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 5-345, Idaho Code, and to read as follows:

10 5-345. IMMUNITY FOR AID DURING AN EMERGENCY. (1) No architect, en-
11 gineer, or contractor may be held liable for personal injury, wrongful
12 death, property damage, or other loss related to any architectural, struc-
13 tural, electrical, mechanical, construction, design, or other professional
14 service provided by the architect or engineer, voluntarily or without com-
15 pensation, or the contractor at the request or approval of a national, state,
16 or local public official in response to a declared national, state, or local
17 emergency, a disaster, or a catastrophic event. The provisions of this sub-
18 section shall apply to services rendered within ninety (90) days following
19 the end of the declared emergency, disaster, or catastrophic event unless
20 extended by executive order of the governor.

21 (2) Limited liability under this section shall not apply if the injury,
22 death, or damage is the result of unreasonable acts, gross negligence, or
23 willful or wanton misconduct or if the architect, engineer, or contractor
24 did not act as a reasonable architect, engineer, or contractor would have un-
25 der the same or similar circumstances.